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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,110	07/24/2001	Peter L. Froeberg	TRMB928	5579

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EXAMINER

LOUIS JACQUES, JACQUES H

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 12/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/915,110

Applicant(s)

FROEBERG, PETER L.

Examiner

Jacques H. Louis-Jacques

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-19 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-30 of copending Application No. 09/912,847. Although the conflicting claims are not identical, they are not patentably distinct from each other because the "display unit" of present application performs similar function as the "user interface" of the copending application. Also, the display content can viewed internally or externally. Thus, it would have been obvious to one skilled in the art at the time of the invention to be motivated to modify the "user interface" of the copending application by using a "display unit" as claimed in the present application because such modification would specify the means the user will be able to use the data and also improve convenience to the user.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

3. Claims 1-19 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-26 of copending

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Application No. 09/912,645. Although the conflicting claims are not identical, they are not patentably distinct from each other because the present application does not require the use of “wireless transceiver” to function.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Cohen [6,060,993].

Cohen [6,060,993] discloses a mobile display system, wherein a vehicle is equipped with externally viewable display panels. According to Cohen, an onboard controller determines the position of the vehicle and drives the display to generate a publicly viewable message selected for viewing, within such location. The message is selected and displayed based on a prescribed schedule, i.e., date, time of day, etc. Cohen discloses a position determination system (GPS, 18) for determining the position and direction of the vehicle, a controller (16) couple to the position determination system (GPS), a storage unit (memory) coupled to the controller and adapted to stored different messages, a display (14) couple to the memory and the controller for displaying a

message selected by the controller, wherein the controller selects a message based on the position and direction of travel of the vehicle. According to Cohen, which well known in the art, there is provided a receiver coupled to the position determination system for receiving the position and direction of travel of the vehicle. Cohen discloses a GPS receiver (column 4). As described in column, the controller is in communication with one or more fixed stations, wherein data are downloaded from the one least one fixed into the memory of the system, therein updating contents thereof periodically. See column 4. Cohen also discloses the length of amount time the selected message is to be displayed (abstract). *Figure 4 shows a GPS (18) and vehicle monitor (15). In column 4, Cohen discloses the status monitor (15) of vehicle parameters, e.g., vehicle speed, direction, outside temperature, weather conditions, etc. is carried by the vehicle 12 with the controller 16 receiving status data signals indicative of the monitored parameters. See lines 23-26. Furthermore, in column 4, lines 42-46, Cohen discloses that "the controller 16 thereafter drives the display with the appropriated display message content coordinated with the vehicle location as monitored from the GPS receiver 18 ... as well as the monitored parameters". The monitored parameters include direction [of travel] of the vehicle. See also column 5.*

Response to Amendment & Arguments

6. The amendments along with the arguments filed therewith on November 13, 2002 have been entered and carefully considered by the examiner.

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The Terminal Disclaimers filed on November 13, 2002 are NOT PROPER and have not been accepted because the language used therein does not imply “any patent issuing from” the US Patent Applications.

Applicant has amended the claims to recite, “position and direction of travel are determined using a position and direction determination system”. Emphasis added.

Applicant's arguments filed November 13, 2002 have been fully considered but they are not persuasive.

Applicant is suggested to amend the language to include in paragraph 4, line 7 after “the same as the legal title to”, --any patent issuing from--.

In the response to the Office Action, Applicant argued that the applied prior art reference [Cohen] “only shows a GPS receiver for determining a location. Cohen does not show a position determination system for determining position and direction of travel”. The Examiner disagrees.

When reviewing the patent to Cohen, both the position and the direction of travel are determined. In fact, both the position and the direction of travel are used to select the contents.

Figure 4 show a GPS (18) and vehicle monitor (15). In column 4, Cohen discloses the status monitor (15) of vehicle parameters, e.g., vehicle speed, direction, outside temperature, weather conditions, etc. is carried by the vehicle 12 with the controller 16 receiving status data signals indicative of the monitored parameters. See lines 23-26. Furthermore, in column 4, lines 42-46, Cohen discloses that “the controller 16 thereafter drives the display with the appropriated display message content coordinated with the

vehicle location as monitored from the GPS receiver 18 ... as well as the monitored parameters". The monitored parameters include direction [of travel] of the vehicle. See also column 5.

To the extent that the response to the applicant's arguments may have mentioned new portions of the prior art references that were not used in the prior office action, this does not constitute new a new ground of rejection. It is clear that the prior art reference is of record and has been considered entirely by applicant. See In re Boyer, 363 F.2d 455, 458 n.2, 150 USPQ 441, 444, n.2 (CCPA 1966) and In re Bush, 296 F.2d 491, 496, 131 USPQ 263, 267 (CCPA 1961).

The mere fact that additional portions of the same reference may have been mentioned or relied upon does not constitute new ground of rejection. In re Meinhardt, 392, F.2d 273, 280, 157 USPQ 270, 275 (CCPA 1968).

In light of the foregoing, the rejections are sustained and this office action is made final.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques H. Louis-Jacques whose telephone number is (703) 305-9757. The examiner can normally be reached on M-Th, 7:30 AM - 4:00 PM (Eastern Time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A. Cuchlinski can be reached on (703) 308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1111.

Jacques H. Louis-Jacques
Primary Examiner
Art Unit 3661

/jlj
December 17, 2002


JACQUES H. LOUIS-JACQUES
PRIMARY EXAMINER